IN THE HIGH COURT OF JUDICATURE AT BOMBAY
A.S.
Writ Petition No.89l9 of 2003

ShriKundlik V Ubale ....Petitioner
vs
Abhyudaya Coop Bank Ltd and ors....Respondents

Mr P M Khankar for petitioner

Mr A.H.Palekar AGP for State

Mr. M H Rawal for respondent no.l

Mr Harinder Toor with Mr. Sameer Chitnis for respondent no. 3

CORAM: S.U.KAMDAR J.

Dated 30.ll.2005

P.C:

l. The learned counsel for the respondent bank states that for the balance recovery against the loan amount which is outstanding the bank will take action first against respondent no.3 who is a borrower and recover money only on failure to recover the balance loan amount from the respondent no. 3, after initiating appropriate legal proceedings. Then and only in that event the balance amount will be recovered from the petitioner who is guarantor in respect of the said loan. If the amount is fully recovered from respondent no.3 and if excess amount is received then the respondent no.l bank shall repay the money to the petitioner which is already recovered by

deductions made from his salary. If there is no excess amount received by the bank, petitioner will not be entitled to refund.

. In that view of that statement made by the learned counsel for the respondent, writ petition is disposed of accordingly with no order as to costs.